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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,813	06/26/2003	Young-Woo Lee	1293.1746	2773
21171	7590	08/06/2008		
STAAS & HALSEY LLP			EXAMINER	
SUITE 700			ORTIZ CRIADO, JORGE L	
1201 NEW YORK AVENUE, N.W.				
WASHINGTON, DC 20005				
			ART UNIT	PAPER NUMBER
			2627	
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			08/06/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/603,813

Applicant(s)

LEE ET AL.

Examiner

JORGE L. ORTIZ CRIADO

Art Unit

2627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jorge L. Ortiz-Criado/
Primary Examiner, Art Unit 2627

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argues that the Kuroda et al reference fails to disclose technical features of detecting a certain voltage level in the push-pull signal immediately after the servo controller enables tracking, as recited in claim 10.

This argument was addressed in the previous office action mailed on 05/15/2008 and as previously indicated the examiner cannot concur because Kuroda et al. clearly specifies immediately after the servo controller enables tracking, see Fig. 6, immediately after step 11- col. 11, lines 29-34, where is for example after the tracking servo loop is formed in a closed condition so that tracking control is performed. Applicant argues that Kuroda shows that between step s11 and step 25 at step 24 a timer is started and for that reason Kuroda does not discuss the technical feature of claim 10.

The examiner respectfully disagrees because such time in step 24 is strictly part of the push-pull signal detection process which is immediately after the tracking servo is enabled at step 11. Kuroda clearly explain that the timer is merely the time considered to be sufficient for the pre-pit (LPP) push-pull detection. Because the process of detecting the push-pull encompasses such time while is being performed.

It appears that the Applicant is trying to read into the claim that from the process of enabling tracking jumps towards the process of detection the push-pull instantly with no time whatsoever in between as to differentiate the Apparatus disclose by Kuroda. However, as described in the specification and of a flow chart Fig. 3, process 301 shifts to a different process 303, of detection of the push-pull signal. Presumably and most likely an inherently time must elapse between the changes of process steps, and at step 302 the push-pull is allowed to be reproduced. Applicant's processes are not performed instantly on after another, which appears to be what the Applicant is trying to read into the claims. Furthermore, how does the Applicant in step 302 can "reproduced" a signal, if NO time period elapses? Applicant in the specification is silent about any specifics of timing, or how long these process is waited, and/or as how quick or fast the process change from one another, because there is absolutely no explanation of any sort in the specification about timing of events. It is further noted that what the Applicant regard to be immediately is found in the specification to be recited as "As described above, according to the present invention, it is possible to identify a disc type based on whether an LPP signal is detected in the early stage of a disc driving period, i.e., immediately after controlling a tracking servo. Accordingly, operational conditions of a disc drive can be set in the early stage of the disc driving period and, thus, lead-in time of a disc can be reduced."

Which in accords to steps 301 to 302 then 303 there is a time period elapsed from 301 to 302 to allow the push-pull to be recovered (operational conditions setting period) and THEN at (303) the push-pull is detected to be at certain level.

Hence, it is readily understood that immediately after enabling tracking refers to immediately after controlling a tracking servo conditions. And for this control conditions in the early stage a time period is elapsed until the tracking operation is stably obtaining the push-pull signal. Which clearly corresponds and it is respectfully submitted that a time is present in between process 301-301 to 303 to allow the signal to be reproduced and compared, which is readily understood and flow from the Applicant's specification, is hence corresponds to the time encompassed by the pre-pit push-pull detection regarded by Kuroda..